IN THE CLAIMS

Claim 11, line 6, change "the" to --a--.

REMARKS

Reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1-13 remain pending in the application.

The Abstract stands objected to as noted. In response, the Abstract has been amended and the objection should be withdrawn.

Claim 11 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. In response, claim 11 has been amended to provide antecedent basis for the computer network on line 6. Accordingly, this rejection should be withdrawn.

Claims 1-5, 7 and 9-13 stand rejected under 35 U.S.C. § 103)(a) as being unpatentable over Sumimoto (U.S. Patent No. 5,522,070) in view of Hauser et al. (U.S. Patent No. 5,889,956). Applicant respectfully traverses this rejection.

The present invention, as recited in claims 1 and 13, recites methods in which two nodes on a computer network are monitored and a minimum resource allocation is set for a first process on the two nodes. Advantageously, no computer processing is required to determine whether to provide additional processing resources to the first process. By contrast, in both Sumimoto and Hauser et al.,

the processing resources which are provided to either a process or an entity are _dynamically_ determined. The entire disclosure of _Sumimoto_ is directed to the dynamic allocation of computer resources based on availability. Similarly, _Hauser et al._ is also directed to dynamically allocating the resources above the minimum-guaranteed variable amount. There is no teaching or suggestion in either of the references for modifying _Sumimoto_ to provide for a fixed predetermined amount of computer resources to be allocated to a single process. Further, _Hauser et al._ does not provide computer resources for a _process_ but rather provides computer resources to an _entity_ such as the programming department, H/W department, marketing department, sales department, sales department, accounting department or personnel department.

Applicant strenuously disagrees that one of ordinary skill in the art would have readily recognized the desirability and the advantages of allocating the minimum amount of resources for each process because _Hauser et al._ teaches the dynamic allocation of resources based upon availability. Accordingly, the combination of _Sumimoto_ and _Hauser et al._ does not achieve the present invention and, in fact, both of references teach away from the invention recited in claims 1 and 13.

In fact, as the Examiner states, there are requesting entities (column 5, lines 2-5) which is completely different than the present invention. The present invention avoids the dynamic

allocation of resources and instead guarantees a minimum amount of resources for a particular important process. Accordingly, the obviousness rejection of claims 1 and 13 should be withdrawn.

Regarding claim 2, Sumimoto cannot disclose the allocation because the type of allocation is completely different.

Regarding claim 3, Hauser et al. does not teach an allocation of resources for process but rather discloses an allocation of resources for an entity. A process is quite different than an entity in that a process could actually be performed on two different computers at the same time. Therefore, the combination of Sumimoto and Hauser et al. cannot render claim 3 obvious.

Regarding claim 5, as discussed above with respect to claims 1 and 3, the combination of Sumimoto and Hauser et al. cannot render claim 5 obvious.

For all the reasons discussed above, claims 2-5, 7 and 9-10 should be allowable with respect to claim 1 as well as on their own merits.

Claims 6 and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sumimoto in view of Hauser et al. and further in view of Culbert (U.S. Patent No. 5,838,968). Applicant respectfully traverses this rejection.

Culbert does not overcome the deficiencies discussed above with respect to Sumimoto and Hauser et al. Further, Culbert is also directed to a dynamic resource allocator similar to Sumimoto

and <u>Hauser et al</u>. There is no teaching or suggestion in <u>Culbert</u> to statically allocate minimum resources for a given process to avoid having to compute a resource allocation for a particular process.

Accordingly, the obviousness rejection of claims 6 and 8 should be withdrawn.

All objections and rejections having been addressed, it is respectfully submitted that the present application should be in condition for allowance and a Notice to that effect is earnestly solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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